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IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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JOSEPH GUILDWOLFF,

Plaintiff,

v.

DAVIS COUNTY SCHOOL DISTRICT,  
BOARD OF EDUCATION OF THE DAVIS  
SCHOOL DISTRICT, BRIANNE LAND  
ALTICE, BRYAN BOWLES, DEE  
BURTON, RICHARD FIRMAGE, KATHY  
EVANS, SCOTT NIELSEN, and DOES  
1-10.

Defendants.

And

ADRIAN PEREZ-TAMAYO, GINA  
MUSCOLINO, and JOSE  
PEREZ-TAMAYO,

Plaintiffs,

v.

DAVIS COUNTY SCHOOL DISTRICT,  
DAVIS HIGH SCHOOL, BRIANNE LAND  
ALTICE, BRYAN BOWLES, CRAIG  
POLL, PAMELA PARK, CRAIG CARTER,  
DEE BURTON, RICHARD FIRMAGE,  
RYAN BISHOP, CATHY EVANS, DAVE  
[SCOTT] NIELSON, and DOES 1-10.

Defendants.

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**ORDER GRANTING DEFENDANTS'  
MOTION FOR ATTORNEY FEES**

Case No. 1:15-cv-0162  
Case No. 1:15-cv-0157 (consolidated)

Judge Robert J. Shelby  
Magistrate Judge Dustin B. Pead

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On November 17, 2017, this Court granted District Defendants' Motion for Attorney Fees (ECF No. 60). At the time the court granted that motion it instructed District Defendants to (1) provide an affidavit demonstrating the reasonable time expended on gathering documentation necessary for the motion, on preparing the motion, on preparing the proposed order, and any other time relevant and necessary for the prosecution of this motion, and (2) provide sufficient information establishing a per hour rate for the Lodestar method, along with a proposed order awarding fees in the requested amount.

District Defendants submitted all the required documentation on November 21, 2017. (ECF No. 62). Plaintiffs did not object to Defendants' submission. After reviewing District Defendants "Memorandum of Attorney Fees," this Court finds that Mr. Kaiser's fee award in the amount of \$658.25 is reasonable under the Lodestar Method.

"To determine a reasonable attorneys fee . . . the district court must arrive at a 'lodestar' figure by multiplying the hours . . . counsel reasonably spent on litigation by a reasonable hourly rate.'" *D.A. Osguthorpe Family P'ship v. ASC Utah, Inc.*, 576 F. App'x 759, 766 (10th Cir. 2014) (ord. & j. not selected for publication) (quoting *Jane L. v. Bangerter*, 61 F.3d 1505, 1509 (10th Cir.1995)); see also *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 551 (2010) (referring to the lodestar method as the "guiding light of our fee-shifting jurisprudence"); *Gutwein v. Taos Cnty. Detention Ctr.*, No. CV 15-672 RB/WPL, 2016 WL 9774935, at \* 1 (D.N.M. Nov. 16, 2016) (not selected for publication) (applying the Lodestar method to Rule 37 fee requests).

In this case, the District Defendants' attorneys logged 6.25 hours of time on the motion to compel, proposed order, reviewing the history of communications with Plaintiffs' counsel, and preparing the memorandum of fees, at an hourly rate of \$105.32, for a total of \$658.25 in fees.

These hours were reasonable, considering the long history and multiple attempts the District Defendants' counsel made to resolve the discovery disputes without Court action.

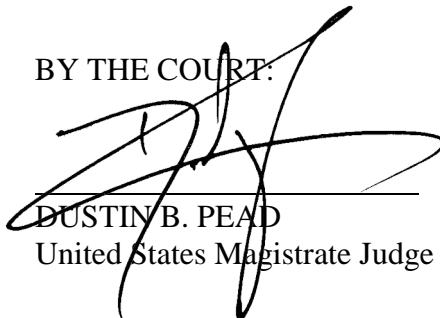
Furthermore, this Court finds the District Defendants' attorney's rates of \$105.32 to be reasonable. *See Trans. Alliance Bank v. Helping Hands Housing I, LLC*, No. 1:13-cv-46-RJS, 2015 WL 8042058, at \* 4 (D. Utah. Dec. 4, 2015) (not selected for publication) (approving of rates up to \$425 per hour for a contract dispute); *Jane L. v. Bangerter*, 828 F. Supp. 1544, 1551 (D. Utah 1993) (finding that *in 1993*, the prevailing local rates for excellent trial counsel in civil rights litigation ranged from \$135 to \$185 per hour, and rates for attorneys with less experience range from \$70 to \$125 per hour) *rev'd on other grounds*, 61 F.3d 1505, 1510 (10th Cir. 1995) (circuit court approving of the district court's attorney fee rate calculation).

Because the summary of total time billed for this matter is reasonable and because the rate is reasonable as stated above, it is hereby **ORDERED:**

District Defendants are awarded attorney fees in the amount of **\$658.25**. These fees shall be paid by counsel for Plaintiffs within 30 days of this Order.

Dated this 7th day of December 2017.

BY THE COURT:



DUSTIN B. PEAD  
United States Magistrate Judge